

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**ANTHONY DIXON,**  
**Plaintiff,**

**v.**

**OFFICER SCOTT SCHWEIZER,**  
**OFFICER ERIK PROSS,**  
**OFFICER SZELAGOWSKI,**  
**CITY OF PHILADELPHIA,**  
**JOHN/JANE DOES 1-10**  
**Defendants.**

**CIVIL ACTION**

**NO. 18-5403**

**ORDER**

**AND NOW**, this 11th day of August, 2020, upon consideration of Defendants' Motion for Summary Judgment (Document No. 27, filed September 27, 2019), Defendants' Supplemental Statement of Material Facts (Document No. 28, filed September 30, 2019), Plaintiff Anthony Dixon's Response to Defendants' Motion for Summary Judgment (Document No. 33, filed November 6, 2019), and Reply in Support of Defendants' Motion for Summary Judgment (Document No. 37, filed November 20, 2019), for the reasons stated in the Memorandum dated August 11, 2020, **IT IS ORDERED** that Defendants' Motion for Summary Judgment is **GRANTED IN PART** and **DENIED IN PART**, as follows:

1. Defendants' Motion for Summary Judgment is **GRANTED** with respect to plaintiff's false arrest claim under state law against all defendants (Count 4).
2. Defendants' Motion for Summary Judgment is **GRANTED** with respect to plaintiff's conspiracy claims against all defendants (Counts 12 & 13).
3. Defendants' Motion for Summary Judgment is **GRANTED** with respect to plaintiff's failure to intervene claims against all defendants (Counts 14 & 15).

4. Defendants' Motion for Summary Judgment is **GRANTED** with respect to plaintiff's *Monell* claim against defendant City of Philadelphia (Count 16).

5. Defendants' Motion for Summary Judgment is **GRANTED** with respect to all remaining claims against defendant Erik Pross (Counts 1-3, 5-11).

6. Defendants' Motion for Summary Judgment is **DENIED** in all other respects.

**IT IS FURTHER ORDERED** that plaintiff's state law claims against defendant City of Philadelphia (Counts 2, 4, 10, 13, & 15) are **MARKED WITHDRAWN WITH PREJUDICE** by plaintiff.

**IT IS FURTHER ORDERED** that the City of Philadelphia and Erik Pross are removed from the caption as defendants.

**IT IS FURTHER ORDERED** that a conference for the purpose of scheduling further proceedings will be conducted in due course.

**BY THE COURT:**

/s/ **Hon. Jan E. DuBois**

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**DuBOIS, JAN E., J.**